

Hydrology-related Criteria in Water Quality Standards for Tribes (5/2009)

EPA Region 1

N/A

EPA Region 2

St. Regis Mohawk Tribe

WQS (8/8/2007) http://www.epa.gov/waterscience/standards/wqslibrary/tribes/srmt_2_%20wqs.pdf

Expected to adopt similar narrative criteria as NY by the next triennial review (2010). Currently the only reference in WQS concerning flow deals with wetlands maintenance and protection in: Section IV General Conditions F. Wetlands

EPA Region 3

N/A

EPA Region 4

Seminole Tribe of Florida

Water Quality Protection and Restoration: Rules to Carry Out the Federal Clean Water Act and the Tribal Water Code Including WQS for the Big Cypress and Brighton Reservations Approved 11/1998:

http://www.epa.gov/waterscience/standards/wqslibrary/tribes/semi_tribe_fl_4_wqs.pdf

“Part 12. Water Quality Standards for Surface Waters

Section 12.3 Water Quality Criteria

... (b) Additional Narrative Criteria for Class 2-A Waters.

In addition to the narrative criteria set forth in paragraph (a) above and the numeric criteria for Class 2-B waters found in Table 12, all Reservation surface waters designated Class 2-A shall be free from activities and substances attributable to wastewater discharges or other pollutant sources that:

(2) Impair the biological community as it naturally occurs in the designated area due to physical, chemical or hydrologic changes.”

EPA Region 5

Mole Lake Band of the Lake Superior Tribe of the Chippewa Indian, Sokaogon Chippewa Community
Sokaogon Chippewa Community Water Quality Standards (1/26/2005)

http://www.epa.gov/waterscience/standards/wqslibrary/tribes/chippewa_5_wqs.pdf

“A. [151.20] Narrative Water Quality Criteria

All Tribal Waters shall be free from pollutants or alterations in quantities that, either alone or as a result of interaction with other pollutants, cause an SCC Designated Use or the ONRW classification to become more difficult to attain.

The following conditions in Tribal Waters are prohibited:

...7) Releases of pollutants or human-induced changes to Tribal Waters, the sediments of Tribal Waters or area hydrology that alter natural ambient conditions in Tribal Waters such as, without limitation, flow, stage, D.O., pH and temperature. Natural daily fluctuations of flow, stage, D.O., pH and temperature shall be maintained.”

EPA Region 6

Pueblo of Acoma

Pueblo of Acoma WQS: <http://www.epa.gov/waterscience/standards/wqslibrary/tribes/acoma.pdf>

No explicit reference to flow found in criteria of WQS. However, references to flow are made in “A.

Antidegradation Policy... 3. As high quality waters of exceptional recreational or ecological significance are identified, the water quality and uses of those water bodies shall be maintained and protected by controls on water quality, maintenance of natural flow regimes, protection of instream habitats, or other appropriate actions.”

Pueblo of Nambe

Nambe' O-Ween-Ge' Water Quality Code:

http://www.epa.gov/waterscience/standards/wqslibrary/tribes/nambe_ween_6_wqs.pdf

No explicit reference to flow found in criteria of WQS.

However, references to flow are made in Section II. Antidegradation Policy and Implementation Plan. Antidegradation Policy. ... Where high quality water constitutes an outstanding national or tribal resource, or the waters are of exceptional recreational or ecological significance, the water quality and uses shall be maintained and protected by water quality controls, maintenance of natural flow regimes, protection of instream habitats, and pursuit of land use practices protective of the watershed.

Pueblo of Picuris

Water Quality Code for the Pueblo of Picuris:

http://www.epa.gov/waterscience/standards/wqslibrary/tribes/picuris_6_wqs.pdf

“Section III. General WQS Q. Water Flow. In order to improve controls over nonpoint sources of pollution, Tribal, Federal, State, and local resource management agencies will be encouraged and assisted to coordinate planning and implementation of programs to regulate or control runoff, erosion, turbidity, stream temperature, stream flow, and the withdrawal and use of irrigation water on a watershed approach so as to protect the quality and beneficial uses of water and related resources.

Such programs may include, but not be limited to, the following:...[see source document above p. 13]

Perennial rivers and streams within the watershed shall be retained with minimal base flows of 5.0 c.f.s., which is the minimal flow necessary to provide for preservation of wildlife, fish, scenic, aesthetic, traditional and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.”

“Section IV. Water Body Uses and Specific WQS

2. Specific Water Quality Standards

A. High Quality Coldwater Fishery Use l) Water flow shall not be less than 5.0 cfs...

B. Marginal Coldwater Use ... g) Water flow shall not be less than 5.0 cfs...

C. Warmwater Fishery Use ... g) Water flow shall not be less than 5.0 cfs ...

G. Primary Contact ...f) Water flow shall not be less than 5.0 cfs...”

Please note - EPA has not taken action (approval or disapproval) on the new narrative and numeric provisions requiring maintenance of minimum stream flow (Section III. Part Q and Section IV. Parts 2 A, B, C and G), as listed above.

Also, reference is made to flow in “Section II. Antidegradation Policy and Implementation Plan 1. Anti Degradation Policy: ...Where high quality water constitutes an outstanding national or tribal resource or the waters are of exceptional recreational or ecological significance, the water quality and uses shall be maintained and protected by water quality controls, maintenance of natural flow regimes, protection of instream habitats, and pursuit of land use practices protective of the watershed.”

Pueblo of Pojoaque

1999 Revised Pueblo of Pojoaque WQS:

http://www.epa.gov/waterscience/standards/wqslibrary/tribes/pojoaque_6_wqs.pdf

No explicit reference to flow found in criteria of WQS. However, references to flow are found in “A. The Anti-Degradation Policy of the Revised PPWQS is as follows: ...4. Where high quality water constitutes an outstanding National or Tribal resource, or where waters are of exceptional recreational or ecological significance, the water quality and uses shall be maintained and protected by water quality controls, maintenance of natural flow regimes, protection of in stream habitats, and pursuit of land use practices protective of the watershed.”

Pueblo of Santa Clara

Water Quality Code of the Pueblo of Santa Clara:

http://www.epa.gov/waterscience/standards/wqslibrary/tribes/santa_clara_6_wqs.pdf

Currently the only reference in WQS criteria concerning flow deals with wetlands maintenance and protection in: “Section III. General Standards

... O. Biological criteria. Tribal waters shall be free from activities that would impair the biological community as it naturally occurs due to physical, chemical and hydrologic conditions. Tribal waters shall support and maintain a balanced, integrated, and adaptive community of organisms.

P. Hydrologic Criteria. Natural hydrological conditions necessary to support the biological and physical characteristics naturally present in wetlands within Santa Clara boundaries shall be protected to prevent significant adverse impacts on: 1. Water flow and circulation, erosion, or sedimentation patterns. 2. Natural water temperature variations. 3. The chemical, nutrient and dissolved oxygen regime of the wetland. 4. The normal movement of aquatic fauna. 5. The pH of the wetland. 6. Normal water levels or elevations.”

An additional reference is made in “Section II. Antidegradation Policy and Implementation Plan A. Antidegradation Policy ... 3. No permanent degradation shall be allowed in outstanding national or tribal resource waters (ORW) or waters of exceptional recreation, cultural or ecological significance. Water quality and uses in such segments shall be maintained and protected by water quality controls, maintenance of natural flow regimes, protection of instream habitats, and land use practices protective of the watershed.

Pueblo of Tesuque

Pueblo of Tesuque WQS: http://www.epa.gov/waterscience/standards/wqslibrary/tribes/tesuque_6_wqs.pdf

No explicit reference to flow found in criteria of WQS. However, reference to flow is made in “Section II. Antidegradation Policy and Implementation Plan A. Antidegradation Policy ... 3. Where high quality water constitutes an outstanding national or tribal resource or the waters are of exceptional recreational or ecological significance, the water quality and uses shall be maintained and protected by water quality controls, maintenance of natural flow regimes, protection of instream habitats, and pursuit of land use practices protective of the watershed.”

EPA Region 7

N/A

EPA Region 8

N/A

EPA Region 9

Big Pine Paiute Tribe of Owens Valley

WQS Big Pine Indian Reservation: <http://www.epa.gov/waterscience/standards/wqslibrary/tribes/bigpine-200601.pdf>

Currently the only reference in WQS criteria concerning flow is found under aquatic communities criteria and deals specifically with wetlands.

“VI. WATER QUALITY OBJECTIVES- NARRATIVE CRITERIA

The narrative water quality objectives which follow are directed toward protection of surface waters within the Big Pine Reservation.

j. Nondegradation of Aquatic Communities and Populations

All wetlands shall be free from substances attributable to wastewater or other discharges that produce adverse physiological responses in humans, animals or plants; or which lead to the presence of undesirable or nuisance aquatic life. All wetlands shall be free from activities that would substantially impair the biological community as it naturally occurs due to physical, chemical and hydrologic processes.”

Hoopa

Hoopa Valley Tribe Water Quality Control Plan

http://www.epa.gov/waterscience/standards/wqslibrary/tribes/hoopa_valley.pdf

No explicit reference to flow found in criteria of WQS. However, references to flow are made in 3.3.7.

Antidegradation Policy 3.7.4. Also see Implementation Plans ... 4.4 Non-Point Source Management Program 4.5 Pollution Prevention Plans for references to flow management.

Hualapai

Hualapai Environmental Review Code WQS:

<http://www.epa.gov/waterscience/standards/wqslibrary/tribes/hualapai.pdf>

No explicit reference to flow found in criteria of WQS. However, references to flow are made in Ch. 6 Implementation Section 601. "Powers and Duties of Water Resources Program: M. Require that sufficient instream flows be maintained to meet the narrative and numeric WQS set forth in this ordinance; ...".

Navajo

Navajo Nation WQS: <http://www.epa.gov/waterscience/standards/wqslibrary/tribes/navajo-200611.pdf>

No explicit reference to flow found in criteria of WQS. However, references to flow are made in Part II Surface Water Quality Standards Section 202 Implementation Plan A. "The Navajo Nation Water Quality Program (NNWQP)... shall implement these water quality standards, including the antidegradation policy, by establishing and maintaining controls on the introduction of pollutants into waters of the Navajo Nation. Specifically, NNWQP shall do the following: ...15. Require that sufficient instream flows be maintained to support designated uses and meet narrative and numeric WQS."

White Mtn. Apache

Water Quality Protection Ordinance of the White Mtn. Apache Tribe of the Ft. Apache Indian Reservation:

http://www.epa.gov/waterscience/standards/wqslibrary/tribes/white_mountain_9_wqs.pdf

No explicit reference to flow found in criteria of WQS. However, references to flow are made in Section 3.2 "Anti-degradation Policy. ... D. Unique Water Designations 1. High Quality Waters ...b. Water quality and stream ecosystem health in high quality waters shall be maintained to protect: culturally or religiously significant areas, archaeological and historical sites, natural flow regimes, natural flood retention capacity, instream habitats for fish and other aquatic life..."

Also, references to flow are made in Section 3.6 "Designated Uses and Specific Criteria. The Tribe adopts the following water quality standards for the following designated uses for specific Tribal water bodies: ... O. FLOOD CONTROL. ... The water quality, physical, biological and hydrologic characteristics of wetlands shall be maintained. Wetlands shall not be used in lieu of storm water treatment."

EPA Region 10

Confederated Tribes of Umatilla

Confederated Tribes of the Umatilla Indian Reservation of Oregon WQS:

<http://www.epa.gov/waterscience/standards/wqslibrary/tribes/umatilla.pdf>

Currently the only reference in WQS criteria concerning flow deals with wetlands criteria. "K. Wetlands ... 3. Physical and biological characteristics shall be maintained and protected by: a) Maintaining hydrological conditions, including hydroperiod, hydrodynamics, and natural water temperature variations..."

References to flow are made in section E.: "E. Antidegradation Policy (3) Tier 3: Outstanding Tribal Waters. Where high quality waters constitute an outstanding resource of the Reservation such waters shall be maintained and protected. ... The Department may require water quality controls, maintenance of natural flow regimes, protection of instream habitats, and land use practices protective of the watershed....

[NOTE- Umatilla Tribal WQS document is out of order]

Makah Tribe

Makah Tribe WQS for Surface Wates: <http://www.epa.gov/waterscience/standards/wqslibrary/tribes/makah.pdf>

"Part II- Designated Uses and Criteria SECTION 11. Instream Flow- Except as necessary to meet beneficial uses expressly authorized by the Council, those flows and levels, including tributary surface and ground waters, necessary to maintain the physical, chemical, biological, and cultural integrity of the Makah Reservation's waters shall be maintained and restored to the fullest extent practicable in order to maintain and restore existing and designated uses. Such uses shall include migration, spawning, incubation, and rearing by anadromous fish. The Makah Tribe will, from time-to-time, set habitat-specific flows and levels for existing and restored anadromous fish habitat within the reservation boundaries.

SECTION 6. Water Quality Standards for Wetlands- (3) Physical and biological characteristics shall be maintained and protected by: (a) Maintaining hydrological conditions, including hydroperiod, hydrodynamics, and natural water temperature variations...”

Flow is also mentioned in Part III “Antidegradation Section 16. Antidegradation Policy (4) Where waters constitute an outstanding resource water, the water quality and uses shall be maintained and protected and pollutants that will reduce the existing quality thereof shall not be allowed to enter such waters. To accomplish this the Makah Tribal Council, acting on the advice of the department, will require water quality controls, maintenance of natural flow regimes, protection of in-stream habitats, and pursuit of land use practices protective of the watershed as determined necessary and appropriate.”

Port Gamble S’Klallam Tribe WQS for Surface Waters

Port Gamble S’Klallam Tribe Water Quality Standards for Surface Waters

<http://www.epa.gov/waterscience/standards/wqslibrary/tribes/s-klallam-10-wqs.pdf>

No explicit reference to flow found in criteria of WQS. However, references to flow are made in “6.

Antidegradation Policy ... (4) Where waters constitute an outstanding resource water, the water quality and uses shall be maintained and protected and pollutants that will reduce the existing quality thereof shall not be allowed to enter such waters. To accomplish this the Department may require water quality controls, maintenance of natural flow regimes, protection of instream habitats, and pursuit of land use practices protective of the watershed.”

Spokane Tribe of Indians

Spokane Tribe of Indians Surface WQS:

<http://www.epa.gov/waterscience/standards/wqslibrary/tribes/spokane.pdf>

“12. Wetlands (3) Physical and biological characteristics shall be maintained and protected by: (a) Maintaining hydrological conditions, including hydroperiod, hydrodynamics, and natural water temperature variations...”